

Tramways (Ireland) Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Preamble recites that it would be a great public Advantage to enable Parties under proper Control to construct Tramways, and to use Roads, and take Lands, &c.

Sect.

1. Interpretation Clause.

2. The following Acts incorporated into this Act, viz. :—

“The Companies Clauses Consolidation Act, 1845;”

“The Lands Clauses Consolidation Act, 1845,” (so far as consistent with The Railways Act, Ireland, 1851);

“The Railways Act, Ireland, 1851,” and the several Acts continuing the same;

“The Railways Clauses Consolidation Act, 1845,” with respect to the Construction of Works and other specified Purposes;

“The Joint Stock Companies Act, 1856-7,” and

“The Railway and Canal Traffic Act, 1854,” so far as consistent.

3. Title to be “The General Tramway Act (Ireland), 1859.”

4. Persons may become Promoters of a Tramway Company, and may contribute necessary Capital, and when Half of the Cost shall have been contributed, may apply for Leave to construct Works according to deposited Plans, &c., (as after mentioned.)

5. Tramways to be laid on the Level of any Roads and Streets that may be used, and so as to obstruct as little as possible the ordinary Traffic.

6. Promoters may enter Lands, &c., for preliminary Surveys, making Compensation for any Injury.

7. Deer Parks, Houses, and Offices protected.

8. Where One Half of estimated Cost subscribed, Promoters may memorialize Grand Jury, specifying the intended Works, Lands required, &c., and the estimated Expense of Works.

9. A detailed Scheme of the intended Tramway, with Copies of Plans, Sections, Books of Reference, and Estimates, and proposed Tolls, shall be deposited with the Secretary of the Grand Jury, and with the County Surveyor, Thirty Days before the Assizes; Secretary to endorse Dates of Lodgment, and permit Copies or Extracts, if applied for, on usual Fees being paid,

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and

and Promoters shall give Ten Days Notice in local Papers of intended Application.

10. Promoters to give Notice to Occupiers Fifteen Days before the Assizes of their intended Memorial to Grand Jury.
11. The Memorial to Grand Jury shall be accompanied by the Report of County Surveyor upon proposed Scheme, and specifying any Precautions needful for the Protection of the Public.
12. Grand Jury to examine Memorial, and may approve either wholly or partially, or direct Modifications, or refuse Assent, and Foreman to certify accordingly.
13. Proceedings at Presentment Sessions. Promoters when Grand Jury have certified may apply for Presentment to authorize the Execution of Works; Chairman to endorse Decision of the Sessions, such Application when endorsed to be included by Secretary of Grand Jury in the Schedule of Applications at the succeeding Assizes.
14. On Application being made, a Deposit equal to One Twentieth of estimated Cost shall be deposited in County Bank, to the Credit of the Treasurer of the County.
15. Presentment may be passed and fixed in usual Way, but no greater Sum than One Shilling to be presented to be levied out of the public Money, and in case Presentment be refused, Deposit shall be paid to Promoters.
16. **CLAUSE A.** Notices to be given in City or Borough.
17. Where Roads are not under the Control of Grand Jury, the Town Council or Persons in whom they are vested may contract with the Promoters for the Use thereof, subject to certain Approvals, but no Sum to be paid out of Borough Fund.
18. When Contract is approved, Provisions of Act to apply.
19. **CLAUSE B.** Notices, Maps, &c. to be laid before the Board of Works in Ireland.
20. Appeal in Cases of Two Counties where Grand Juries do not agree in their Decision.
21. **CLAUSE C.** Appeal.
22. Promoters may obtain Certificate of complete Registration as a "Tramway Company, Limited," after Presentment made and fixed or Contract approved.
23. Tramway Company may purchase Roads or Lands mentioned in Presentment or in Contract.
24. Tramway Company may, after Presentment or Contract, open Roads for Construction of the Works and for Repairs, making Compensation for Damage.
25. Works to be completed with all convenient Speed; Soil, &c., to be replaced, and Works to be protected while open.
26. Company

26. Company to restore Roads, &c., disturbed by the Works, and substitute, where necessary, such substituted Roads to be maintained as theretofore.
27. Company may borrow on Mortgage or Debenture not exceeding One Third Part of Capital, when the whole has been subscribed for and One Half paid up.
28. Application of Capital.
29. Money borrowed to be paid preferentially to any Dividend, and One Twentieth repaid every Year.
30. No Interest to be paid on Calls out of Capital.
31. Receiver may be appointed where Interest on Money borrowed is in Arrear, and amounts to One Sixth of the Amount due.
32. Power for compulsory Purchase of Lands and Completion of Works not to be exercised after Two Years from Date of Presentment.
33. On Completion or final Abandonment of Works Deposit to be repaid; Commissioners of Works to certify that Works have been completed and Injuries made good.
34. Repayment of Deposit during Progress of the Work, on Security being given.
35. Provision for temporary Diversion of Lines of Tramways.
36. Where Communications with Railways required, they shall be made under the Direction of the Engineer of the Railway; or, in case of Dispute, it shall be determined by an Arbitrator appointed by the Commissioners of Works. Tramway Companies not to be at liberty to enter upon Lands of a Railway Company further than is necessary for making Communications therewith, and Special Restrictions to meet the Case of a Railway with only a Single Line of Rails.
37. Tramway Companies not to be liable to any greater Extent than Common Carriers.
38. Penalties on Persons practising Frauds on Company.
39. Penalty on bringing dangerous Goods on Tramways.
40. Penalty on obstructing Carriages.
41. Wilful Obstruction.
42. Wilful Injury.
43. Company may take Tolls as in Presentment or Contract.
44. Provisions and Regulations applicable to the fixing of the Maximum Tolls.
45. Where Tolls are paid, all Persons may use the Tramway on Notice with Carriages drawn by Animal Power, subject to existing Byelaws, and on Certificate of Engineer that the Carriages are properly constructed.
46. List of Tolls to be publicly exhibited.
47. Tolls to be paid as shall be directed by the Company.
48. Owners

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48. Owners Names to be exhibited on Carriages.
 49. Power to erect Cranes and Weighing Machines on Landing Places, Piers, &c., at Termination of a Tramway.
 50. Tramway Company may raise Materials or make Drains, making Compensation.
 51. Materials not to be taken from Side of Roads, &c.
 52. Nothing herein contained to exempt a Tramway Company from being subject to any General Act applicable to the Case.
 53. Conveyance of Troops or Police Force.
 54. Recovery of Damages, &c.
- SCHEDULE of the Maximum Tolls and Charges.
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B I L L

[AS AMENDED IN COMMITTEE]

TO

Facilitate internal Communication in Ireland by
means of Tramroads or Tramways.

WHEREAS it would be of great public and local Advantage Preamble.
if Powers were given to Persons desirous to promote the
Construction of Iron Roads or Tramways in Ireland, to
make use for that Purpose, under proper Control, of Public Roads,
5 Post Roads, and common Highways, where the same can be done
without Injury to public Interests, and to purchase and hold such
Lands as shall be found useful and necessary for the Completion of
such Undertakings, and to use such Tramways for the Conveyance
of Passengers, Produce, Minerals, Merchandise, and other Goods in
10 Carriages, Waggon, and Trucks drawn by Horses: Be it therefore
enacted by the Queen's most Excellent Majesty, by and with the
Advice and Consent of the Lords Spiritual and Temporal, and Com-
mons, in this present Parliament assembled, and by the Authority
of the same, as follows:

15 I. In the Construction of this Act, and of any Act incorpo- Interpre-
rated therewith, the following Words and Expressions shall have tation.
the Meanings hereby assigned to them, unless there be something
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in the Subject or Context repugnant to such Construction ; (that is to say,)

- "Person:" The Word "Person" shall include a Corporation, whether aggregate or sole, and any Company or Partnership, whether incorporated or not : 5
- "Tramway." The Word "Tramway" shall mean any Tramroad or Tramway, whether permanent or temporary, constructed of Iron, Stone, or other Material, and for the Time being laid down under or by virtue of this Act, and worked by Horses, and shall include all Branches of the same, and all Works connected with such 10 Tramway :
- "Promoters:" The Words "Promoters of a Tramway Company" shall apply to and mean every Person or Persons, Partnership, Company, or Corporate Body, acting by whatever Name in forming and establishing a Company and Scheme for laying down a Tramway 15 at any Period prior to a Tramway Company being duly registered as a Tramway Company :
- "Tramway Company:" The Words "Tramway Company" shall mean any Persons as defined by this Act, who, having been duly empowered to lay down under the Authority of this Act any Tramway, shall be 20 duly registered as a Company, with or without Limited Liability, for the Purpose of laying down and maintaining such Tramway, with Stations, Approaches, and Works, and for working the same with Carriages drawn by Horses :
- "Road:" The Word "Road" shall include all Post Roads, and all Roads, 25 common Highways, Bridges, Streets, Squares, Courts, Alleys, Lanes, Thoroughfares, Quays, Markets, and public Passages made or maintained by Grand Jury Presentment or by any Public or Borough Rate, and all private Roads, Byeways, or Lanes which any Tramway Company shall be authorized to 30 use for the Purpose of laying a Tramway thereon under the Provisions of this Act :
- "County, &c." The Word "County" shall include each Riding or Division of a County in which separate Assizes are held for each such Riding or Division ; and in the County of Dublin the Word "Treasurer" 35 shall include "Finance Committee," and the Word "Assizes" shall include "Presenting Term:"
- "Railway." Wherever the Word "Railway" occurs in any of the Acts incorporated with this Act, that Word shall be read and construed as if the Word "Tramway" had been used and inserted therein 40 instead of the Word "Railway."

Certain Acts
incorporated.

II. "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," so far as the same is consistent with "The Railways Act (Ireland), 1851," "The Railways Act

Act (Ireland), 1851," and the several Acts continuing the same, "The Railways Clauses Consolidation Act, 1845," with respect to the Construction of the Railway and the Works connected therewith, the temporary Occupation of Lands near the Railways during the
 5 Construction thereof, the carrying of Passengers and Goods upon the Railway, and the Tolls to be taken thereon, the regulating of the Use of the Railway, and the Recovery of Damages not specially provided for, and the Determination of any other Matters referred to Justices, "The Joint Stock Companies Acts, 1856, 1857," and "The Railway
 10 and Canal Traffic Act, 1854," so far as the same respectively are not expressly varied by the Provisions of this Act, are incorporated with and made applicable to this Act.

III. The Title of this Act shall be "The General Tramway Act Short Title. (Ireland), 1859."

15 IV. It shall be lawful for any Person or Persons, subject to the Promoters may take preliminary Steps for making Tramways. Provisions of this Act, and performing the Conditions hereby prescribed, to be and become the Promoters of a Tramway Company, and to raise and contribute among themselves, in such Proportions as they may have severally subscribed for, such Sums of Money
 20 as shall be estimated to be necessary for the Execution of the proposed Tramway, and the Expenses necessarily incident thereto, and when and so soon as One Half of the said estimated Cost shall have been subscribed for, to apply in the Manner herein-after prescribed for Authority to lay down and maintain a single or double Line of Tram-
 25 way in and upon the Roads, Lands, and Places delineated on the Plans deposited as herein-after mentioned, and described in the Book of Reference to the same, and according to the Levels defined in the Sections deposited with the said Plans, and to apply a sufficient Part of the Sums so subscribed in Payment of the Costs and Charges
 30 attending such Application, and the making of the proper Surveys, Maps, Plans, Specifications, and Estimates, and the doing and providing all such Matters and Things as are by this Act directed and required preparatory thereto.

V. All Tramways laid down under the Provisions of this Act upon
 35 any Roads and Streets made use of for the same shall be laid on the Surface of such Roads and Streets, and shall be so constructed as to obstruct as little as may be the ordinary Traffic of the Roads or Streets, and so as not to endanger the Safety of any Person, Animal, or Carriage passing along or across the same; and in every Case
 40 of a Tramway being laid within the Boundary Fence of a public Road, the Level of such Tramway shall be made by the Tramway Company to correspond in the cross Section with such Road, and no

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Alteration

Alteration shall be made in the Level of any Part of such Road, unless the same shall have been set forth in and be authorized by the Presentment as stated, or by some special Presentment supplementary thereto; and it shall not be lawful for any Tramway Company, or for any other Persons using the Tramway, to employ thereon 5 Locomotive Engines, or any other than Animal Power.

Power to
make Sur-
veys.

VI. It shall be lawful for the Promoters of any Tramway Company, for the Purposes of any Inspection, Survey, or Inquiry necessary for the Formation and Extension of any Tramway, by themselves, their Surveyors, Engineers, Agents, Officers, and Workmen, and also for the 10 County Surveyor of the County, to enter upon any Roads, Lands, or Premises in any Place within which it is proposed that a Tramway shall be made under this Act, or any Land and Premises adjoining thereto, and, if necessary, to dig or bore therein or otherwise examine the same, making reasonable Compensation for any Damage done 15 thereby, the Amount of such Compensation to be ascertained by Two or more Justices of the Peace at Petty Sessions in and for the District wherein such Damage shall be committed, whose Order shall be final and conclusive.

Deer Parks,
Houses, and
Offices
protected.

VII. Nothing in this Act contained shall authorize or enable the 20 Promoters of any Tramway or any Tramway Company to encroach by their Works or otherwise upon any Deer Park enclosed with a Wall built of Lime and Stone or Bricks, Five Feet high or more, or upon any House entirely built with Lime and Stone or Bricks, or upon any Office belonging to any Person inhabiting any House so 25 built, without the Consent in Writing of the Owner thereof, and if in the Execution of any of the Works of any Tramway, any Field or Parcel of Land shall be cut through or divided from the Remainder of any Estate, Farm, or Property, so that there shall be left on either Side of the said Works less than One Statute Acre in Quantity 30 or less than Fifteen Yards in Breadth, then the Tramway Company shall, if required so to do by the Proprietor of the Field or Parcel of Land so cut through or divided, take and purchase the Piece of such Field or Parcel of Land so left as aforesaid, and pay for the same in the same Manner as for Land required for the Purposes 35 of the Tramway.

When One
Half of Cost
subscribed,
Power to
Promoters to
memorialise
Grand Jury,

VIII. At any Time after One Half of the estimated Cost of an intended Tramway shall have been subscribed for, the Promoters of such Tramway may and they are hereby authorized to make an Application by Memorial to the Grand Jury of the County or Counties 40 within which such Tramway is to be made, and the said Memorial shall

- shall set forth at large a detailed Scheme of the intended Tramway, and a Description and Specifications of the Works intended to be undertaken, and of the Roads and Lands on which the Tramway Line is to be laid, and of the Limits of any Deviation, Abridgment, or Enlargement of the same, if any such be intended, and the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of all such private Lands as may be included in such Scheme and Specifications, and intended to be taken for the Purpose of such Tramway, and of the estimated Expense and Time necessary for the Completion of such Works, and the Capital of the intended Company : Provided always, that it shall not be lawful for any Person to make Application for a Tramway to be made under the Provisions of this Act to unite Places between which statutory Powers for making a Railway directly connecting the same shall have been given and be in force.

specifying
the intended
Works.

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timated Ex-
pense of the
same.

- IX. The said Promoters shall cause to be made out, and to be signed with the Names of their Engineer and Secretary, the detailed Scheme of the intended Tramway, and Copies of the Plans, Sections, Specifications, Books of Reference, and Estimates for all Works connected with the same, together with Maps on the Scale of not less than a Quarter of an Inch to One hundred Feet, Plans, Sections, on a vertical Scale of not less than One Inch for every One hundred Feet, and Schedules of all such Roads, Lands, and Hereditaments as shall be required for the same, stating (in the Case of public Roads) in whom the same are vested and by whom they are kept in repair, and (in the Case of private Roads, Lands, or other Hereditaments which may be required to complete the same,) the Names of the Owners or reputed Owners, Lessees, and Occupiers thereof, so far as the same can be reasonably ascertained; and the Promoters shall deposit such Application and Copies with the Secretary of the Grand Jury of the County or Counties within which the said intended Tramway is to be made, and Duplicates of these with the Surveyor of the County or District as aforesaid Thirty Days at least before the Assizes at which such Application shall be made, and with such Copies and Duplicates shall also deposit a Schedule specifying all such Tolls and Charges as they propose to levy for the Purpose, and the respective Secretaries of Grand Juries are hereby required to make a Memorandum in Writing upon all the several Documents so deposited with them, denoting the Time at which the same were lodged, and shall at all seasonable Hours of the Day permit any Person to view and examine the same, and to make Copies or Extracts therefrom, such Person paying for the same the usual and accustomed Fees paid for the Inspection and copying or making such Extracts from Records in their respective Offices, and the said Promoters shall, Ten Days at least before the Assizes at which such Application

Copies of
Schemes and
Plans to be
deposited
with Secre-
tary of Grand
Jury,

with Sched-
ules of the
proposed
Tolls.

Secretary to
indorse Time
of Lodgment,

and permit
Copies if
applied for ;
and to give
Notices of in-
tended Ap-
plication to
the Grand
Jury.

Application is to be brought before the Grand Jury, cause a Notice stating that such Application and Copies have been deposited as aforesaid to be published in some Newspaper usually circulated in the County.

Notice to be given to Occupiers.

X. The said Promoters shall cause a Notice, setting forth that an Application by Memorial is intended to be made to the Grand Jury to lay out a Tramway, to be served upon or left at the House of each Owner or reputed Owner, Lessee or reputed Lessee, and Occupier of the Land, so far as the same can be reasonably ascertained, through which such Tramway is intended to be made, Fifteen Days at least before the Assizes at which such Application shall be made; and such Notice shall state where the Plans, Sections, Specifications, Books of Reference, and Maps of such intended Tramway, or Copies of them, have been deposited.

Report of County Surveyor to be laid before Grand Jury, specifying any Precautions necessary to protect the Public from Injury.

XI. Every such Memorial, when laid before the Grand Jury, shall be accompanied by a Report of the County Surveyor (and which the latter is hereby required to give), that he has examined the said Scheme and the several Documents so deposited, and the said Memorial; and in case the said County Surveyor shall deem it necessary or advisable that any Alteration or Modification shall be made therein, he shall specify in such Report such Alterations and Modifications, and also such Precautions for the Protection and Safety of Persons, Animals, or Carriages passing along or across the intended Tramway, or on the Roads or Lands on or near to which the same is laid, as in his Opinion may be necessary, and every such Memorial shall also be accompanied by any Report or Suggestions which the said Commissioners of Public Works shall have deemed expedient to make respecting the same.

Grand Jury to examine Memorial, and may approve either wholly or partially; may direct Modifications or refuse Assent. Foreman to certify accordingly.

XII. The Grand Jury at such first Assizes shall not make any Presentment on such Application by Memorial, but shall examine into the same, and all Matters connected therewith, and may approve of the same either wholly or in part, and direct such Alterations or Modifications of the same as shall seem expedient to them, or may altogether refuse to assent to the same; and thereupon the Foreman of the Grand Jury shall certify accordingly whether the Application has or has not been approved by the Grand Jury, and in case there shall have been any Report or Suggestions made by the Commissioners of Public Works, whether the Grand Jury agree or disagree therewith, and whenever the Approval shall be given subject to Conditions with respect to the maximum Rates and Tolls to be charged, or otherwise, he shall set forth the Conditions particularly, and in case the same shall be approved, an Application for a Presentment founded on the Memorial so certified may be brought before the Presentment Sessions for the County at large.

XIII. At

XIII. At the Presentment Sessions holden for the County at large next after the Assizes at which any Memorial shall have been certified, the Promoters of such Tramway may lodge with the Secretary of the Grand Jury an Application or Applications for a Presentment to authorize the Promoters of the Tramway to execute the Works so certified by the Grand Jury, and the Justices and Cesspayers at such Presentment Sessions shall decide by a Majority of Votes whether the same shall be adopted or not, or if adopted, whether with any Alterations or Modifications, and the Chairman of such Sessions shall endorse the Decision made at such Sessions on the said Application for Presentment, and shall deliver the same to the Secretary of the Grand Jury, and such Application so endorsed shall be inserted in the Schedule of Applications to be laid before the Grand Jury at the Assizes to be held next following such Presentment Sessions.

Proceedings at Presentment Sessions.
Application for Presentment to authorize Execution of Works.
Chairman to endorse the Decision of the Sessions, and hand the Presentment to the Secretary of Grand Jury, who shall include it in Schedule of Applications.
Deposit in County Bank.

XIV. When any Application for a Presentment to authorize the Formation and Execution of a Tramway shall have been inserted in the Schedule of Applications to be laid before a Grand Jury, the Promoters of such Tramway shall deposit in the County Bank, to the Credit of the Treasurer of the County, and to bear Interest at the same Rate as other County Monies, a Sum equal to One Twentieth of the whole Sum at which the Works to be executed have been estimated, and a Certificate of such Deposit shall be lodged with the Secretary of the Grand Jury, and be laid by him together with the Application for a Presentment before the Grand Jury, by whom the Application for a Presentment is to be determined.

XV. Subject to the Provisions of this Act, the Proceedings upon all Applications for Presentments for Tramways shall be similar, as far as may be, to those in other Cases of Applications for Presentments in passing and fiatting the same: Provided always, that on any such Applications for Authority to make a Tramway no Sum of Money to a greater Amount than One Shilling shall be presented to be levied by reason of such Presentment, and in case any such Presentment shall not be passed by the Grand Jury or fiat by the Judge, the Secretary of the Grand Jury shall endorse upon the Certificate of Deposit an Order to the County Bank to repay to the Promoters of the Tramway Works, or the Tramway Company, the Sum deposited therein by them, and such Order so endorsed shall be a sufficient Warrant to the County Bank for making Repayment pursuant thereto.

Presentment may be passed and fiat.
No greater Sum than 1s. to be presented in any such Presentment.

XVI. Where any intended Tramway and the Works connected therewith, or any Part thereof, shall be intended to be laid down
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CLAUSE A.
Notice to be given in City or Borough, &c.

within any City, Borough, or other Place in which the Roads or Streets are maintained by a Borough or other Public Rate, and are not under the Control of the Grand Jury of the County within which such City, Borough, or other Place shall be situate, the Promoters of such Tramway shall cause the detailed Scheme of the intended Tramway, and Copies of the Plans, Sections, Specifications, Books of Reference, and Estimates as aforesaid, together with Maps (on the Scale aforesaid), and Schedules of all such Roads, Lands, and Hereditaments as shall be required to complete the same, stating (in the Case of public Roads) in whom the same are vested, and by whom they are kept in repair, and (in the Case of private Roads, Lands, or other Hereditaments which may be required to complete the same) the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers thereof, so far as the same can be reasonably ascertained, to be made out and signed with the Names of their Engineer and Secretary, and to be deposited with the Town Clerk, Secretary, or other such Officer of such City, Borough, or other Place within which such Tramway is intended to be made, and Duplicates of these with the Secretary of the Commissioners of Public Works, and also a Schedule of such Tolls and Charges as they propose to levy for the same, at the Times above specified; and such Town Clerks, Secretaries, or other such Officers shall make a Memorandum in Writing upon the Documents so deposited with them, denoting the Time at which the same were lodged, and shall permit any Person to view and examine the same, and to make Copies or Extracts therefrom, at all reasonable Hours of the Day, upon Payment of the accustomed Fees for the Inspection and copying or making Extracts from the Records in their respective Offices; and such Promoters shall cause a Notice stating that such Application and Copies aforesaid have been lodged with the Town Clerk, Secretary, or other Officer as aforesaid to be published in some Newspaper usually circulated in such City, Borough, or other Place, Ten Days at the least before the presenting Term at which such Application for a Tramway is to be brought before the Corporate Body or Town Commissioners of such City, Borough, or other Place.

Roads not
under Con-
trol of Grand
Jury.

Company
may con-

XVII. Where any intended Tramway, and the Works connected therewith, or any Part thereof, shall be intended to be laid down within any City, Borough, or other Place in which the Roads or Streets are maintained by a Borough or other Public Rate, and are not under the Control of a Grand Jury, such Tramway and Works shall be laid down only with the Consent of Two Thirds of the Members present at such Meeting of the Body by Law intrusted with the Property, Care, or Maintenance of such Roads and Streets, and it shall be lawful for such Body to enter into any Contract

- Contract or Agreement with the Promoters of such Tramway, or with the Tramway Company (as the Case may be), for the laying down of a Tramway on such Roads or Streets, and for the using, maintaining, and repairing thereof, and all Persons or Bodies Corporate are hereby authorized and empowered to enter into any such Contract with the Promoters of such Tramway, or with such Tramway Company: Provided always, that such Contract shall not be acted on or have any Force or Effect until the same, and the Amount and Place of Deposit, shall have been approved by the Commissioners of Her Majesty's Board of Trade of the United Kingdom of Great Britain and Ireland; provided further, that any Five Members of such Public Body as is by Law intrusted with the Property, Care, and Management of such Roads and Streets may, if they shall be dissatisfied with the Decision of such Body, appeal to the Lord Lieutenant in Council, as herein-after provided; and provided also, that no Sum of Money to a greater Amount than One Shilling shall be contributed (under the Powers granted by this Act) by such City, Borough, or other Place out of the Public Monies or Rates under the Control of the same.
- XVIII. Upon any such Contract being so approved as aforesaid all the Provisions in this Act contained with respect to Tramways, and to the Maintenance, Management, and Use thereof, shall apply to the Tramway constructed in whole or in part by virtue of such Contract.
- XIX. The Promoters of any Tramway shall set forth the detailed Scheme of the intended Tramway, and a Description and Specification of the Works intended to be undertaken, and of the Roads and Lands on which the Tramway Line is to be laid, and of the Limits of any Deviation, Abridgment, or Enlargement of the same, if any such be intended, and of the estimated Expense, and of the Time necessary for the Completion of such Works, and of the Capital of the intended Company, together with Copies of the Plans, Sections, Specifications, and Estimates as herein-before required, together with Maps on the Scale herein-before stated, and Schedules of all such Roads, Lands, and Hereditaments as shall be required to complete the same; and the Promoters shall cause them to be made out, and to be signed with the Names of their Engineer and Secretary, and to be lodged with the Commissioners of Public Works in Ireland Sixty Days at least before the Assizes or Meeting of the Corporation at which any Application is intended to be made; and in all Cases in which it shall appear to the Commissioners of Public Works desirable that an Investigation should be made in regard to the whole or any Part of a proposed Tramway, they shall have Power, by an Order in Writing

instruct with the Body intrusted with Care of Roads or Streets to use same for Tramways.

When Contracts approved, Provisions of Act to apply.

CLAUSE B.
Notices, Maps, &c. to be laid before the Board of Works in Ireland.

Writing signed by Two of the said Commissioners, and specifying the Necessity of such Investigation, to employ an Engineer, as the said Order shall direct, in regard to any Engineering Question affecting the Works or the Estimate for the same, and the Expense of such Investigation shall be paid by the Promoters of such Tramway, and on the Report of the Person so employed may communicate their Opinion on the Matters in question to the Secretary of the Grand Jury or Corporation and to the Secretary of the Tramway Promoters, and so soon as the Tramway Company shall have made Arrangements approved by the Commissioners of Public Works further Interference by the said Commissioners shall be unnecessary; but in case the Tramway Company refuse to adopt the Recommendations of the Commissioners, or to make Arrangements approved by them, the Commissioners may require the Matter to be referred to the Lord Lieutenant in Council; provided always, that if no Communication shall have been forwarded to the Secretary of the Grand Jury by the Commissioners of Public Works, it shall be considered sufficient Notice that in the Case of such Tramway the said Commissioners do not think it necessary to interfere.

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Appeal in Cases of Two Counties where Grand Jurors do not agree in their Decision.

XX. That in all Cases where the Line of an intended Tramway shall extend into Two or more Counties, the several Acts and Proceedings herein-before directed to be done and taken in respect of One County shall be respectively done and taken with respect to each County throughout which the Line shall be meant to extend; and where a Presentment shall have been made by the Grand Jury of One County and duly fated, sanctioning the Execution of that Part of the Works to be executed within that County, it shall be lawful for the Promoters of the Tramway to appeal to the Lord Lieutenant (or other Chief Governor or Governors) in Council against any Decision by which the said Promoters shall be prevented from completing the Line of Tramway which shall have been so in part sanctioned by Presentment, and such Appeal shall be made in the same Manner and under such Restrictions and Provisions as are herein-after provided with respect to Appeals in such Cases.

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CLAUSE G.
Appeal.

XXI. The Grounds of such Appeal shall be stated in Writing by the Party so appealing, and be signed by him, and shall be transmitted by him to the Clerk of the Council; and Notice of such Appeal, stating the Party making the same and the Grounds thereof, shall be inserted in the Dublin Gazette, and in some Newspaper circulating in the County in which such Tramway is proposed, by the Party lodging the same, once in each of two successive Weeks next after such Appeal shall have been lodged with the Clerk of the Council as aforesaid;

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said; and any Tramway Company or other Person interested may in like Manner state in Writing the Reasons in favour of the Decision so appealed against, and transmit the same to the Clerk of the Privy Council; and it shall be lawful for such Lord Lieutenant, by and with the Advice and Consent of Her Majesty's Privy Council in Ireland, to hear and determine such Appeal, and to make such Order, disallowing or confirming such Memorial or Presentment, or varying, altering, or modifying the same as shall seem meet.

XXII. The Promoters of any Tramway Company, whatever the Number of such Promoters may be, and whether they be a Company incorporated for other Purposes or not, when and so soon as a Presentment shall have been made and filed or Contract approved, authorizing the Formation and Execution of such Tramway, may obtain a Certificate of complete Registration, with limited Liability, as a "Tramway Company, Limited," and as such carry such Presentment into execution, and hold, manage, and keep such Tramway according to the Provisions of this Act, and in all Actions, Suits, and Proceedings, whether at Law or in Equity, sue and be sued, and in all Prosecutions for any Felony or Misdemeanor with respect to the Monies and Chattels of the said Tramway Company, carry on the same, and state the Monies and Chattels of the said Tramway Company to be the Property of such Company, and all summary Proceedings for Penalties, and the Distribution of the same when recovered, shall be pursuant to the Provisions of the Petty Sessions (Ireland) Act, 1851, except as is herein specially provided.

Promoters may register as a Company with limited Liability.

XXIII. Any Tramway Company authorized by Presentment or by Contract to lay down a Tramway upon a public Road or Street may purchase any private Road or the Power to make use of the same, or any Lands or other Hereditaments required for the Formation and laying down of such Tramway, and also Lands for the extraordinary Purposes mentioned in the Railway Clauses Consolidation Act, 1845, provided the same shall have been specifically mentioned in the Presentment or Contract for Authority to make the said Tramway, and have been laid down in the Maps, Plans, and other Documents on which the said Presentment or Contract shall have been made.

May purchase Lands or Roads necessary for Works, or the Power to use same.

XXIV. The Tramway Company, after such Presentment or Contract shall have been duly made, may open and break the Soil and Pavement of the several Roads and Streets marked on the said Plans for the Purpose of making and laying down the Tramway, or any Part

Power to open Roads and lay down Tramway.

and for Repairs.

Making Compensation for Damage.

To complete Works and restore Road with all convenient Speed.

Removing Obstructions and guarding the Works while open.

When Road or Lands adjacent to Works are interfered with, Tramway Company to replace same when the Works are completed at the Expense of the Company. Public Roads, &c., when restored, to be maintained as theretofore.

Power to borrow.

or Parts thereof, or for laying down any temporary Tramway as herein-after authorized, and as often as Need shall be, for the Purpose of repairing and maintaining the same, and may remove and use all Earth and Materials in and under such Roads and Streets, and do all other necessary Acts for making, laying down, and maintaining and repairing the Tramway, doing as little Damage as may be in the Execution of the Powers hereby granted, and securing the free Passage of Traffic in the said Roads and Streets, and making Compensation for any Damage done, and for any Materials used or removed.

XXV. When any Tramway Company shall have opened or broken up the Soil or Pavement of any Road or Street, or any Part thereof, for the Purposes of the Tramway, the Company shall, with all convenient Speed, complete the Work for which they shall have opened or broken up the same, and fill in the Soil and Pavement and make good the same, and remove all Rubbish and Obstruction occasioned thereby, and shall, during the Progress of the said Work, fence and guard the Part so opened or broken up, and shall warn Persons using such Road or Street of any Damage likely to arise therefrom while the same remains open or broken up.

XXVI. If any Roads, Ways, Paths, or Passages, public or private, other than those authorized by Presentment to be used for the Purposes of the said Tramway Company, shall by the Tramway Works be disturbed or intercepted, or any Lands intersected in such Manner as to render the future Occupation thereof inconvenient or unprofitable, the Tramway Company shall and they are hereby required with all convenient Speed after such Works shall be completed to cause other convenient Ways to be made and opened, and any Bridges which may be required to be properly built, and to defray the Expense of making such Ways and building such Bridges: Provided always, that in case of public Roads or Bridges so made or substituted, the same, after Completion thereof, shall be maintained and kept in repair by the Grand Jury or other Body liable to the Maintenance and Repair of the Road or Bridge so disturbed or interrupted.

XXVII. Any Tramway Company may borrow on Mortgage or Bond any Sums not exceeding in the whole One Third Part of the Capital Sum specified in the Presentment or Contract authorizing the Execution of the Works of the Company, but no Part of such Sum shall be borrowed until the whole Capital Sum shall have been subscribed for and One Half thereof have been actually paid up.

XXVIII. The

XXVIII. The several Sums of Money subscribed for and raised under the Authority of this Act, whether by Shares, Mortgage, or Bond, shall be applied only in carrying into execution the Objects and Purposes of this Act. Application of Capital.

5 XXIX. The Principal and Interest of all such Sums of Money as shall be so borrowed shall be paid to the several Persons entitled thereto in preference to any Dividend, Profit, or Interest which shall become due or payable to any Shareholder or Member of the Tramway Company; and it shall not be lawful to make or declare
10 any Yearly or Half-yearly Dividend or Division of Profit until One Twentieth Part of the Sum so borrowed shall be fully paid off and satisfied within the then current Year. Money borrowed to be paid in preference to Dividends to Shareholders.

XXX. No Interest or Dividend shall be paid to any Shareholder by any Tramway Company on the Amount of the Calls made in respect
15 of the Shares held by him out of any Money to be raised by Calls or borrowing: Provided always, that it shall be lawful to pay to any Shareholder Interest on Money advanced by him beyond the Amount of the Calls actually made in conformity with the Companies Clauses Consolidation Act, 1845. Interest not to be paid on Calls out of Capital.

20 XXXI. Whenever an Arrear of Interest or Arrear of Principal and Interest shall become due to the Persons from whom the said Sums shall be borrowed, the same may be enforced by the Appointment of a Receiver, but no Receiver shall be appointed in respect of Principal Moneys, unless the Sums due to the Persons by whom the
25 Application for a Receiver shall be made amount to One Sixth Part of the whole of the Moneys borrowed by the Tramway Company under the Provisions of this Act, and still owing by them. Appointment of Receiver.

XXXII. The Powers of a Tramway Company under any Presentment made and filed, or any Contract made according to the
30 Provisions of this Act for the compulsory Purchase of Lands, shall not be exercised after the Expiration of Two Years from the filing of such Presentment or making of such Contract, and the Tramway and Works shall be completed within the Time specified for such Purpose in such Presentment or Contract, and on the Expiration
35 of such Period the Powers by this Act granted for executing the same, or otherwise in relation thereto, shall cease to be exercised except as to so much of the Tramway and Works as shall then be completed. Period for compulsory Purchase of Lands and Completion of Tramway.

Repayment
of Deposit on
completing
Works.

XXXIII. Whenever any Tramway Works shall have been completed, or shall have been finally abandoned, it shall be lawful for the Promoters of any Tramway, or for such Tramway Company, to apply to the Commissioners of Public Works to have the Works surveyed and reported upon by a Surveyor to be appointed by the said Commissioners, and thereupon a careful Survey and Report upon the said Works shall be made under the Direction of the said Commissioners, but at the Expense of the Promoters of any Tramway or the Tramway Company; and in case the said Commissioners shall find the Tramway and the Works belonging thereto are made and completed in accordance with the stated Presentment or Contract respectively authorizing the same, or that the same shall have been finally abandoned, and that the Roads and Lands on which the Tramway was to have been laid have sustained no Injury or require no further Expenditure to restore them to the State in which they were before the Tramway Works were commenced, it shall be lawful for the said Commissioners and they are hereby authorized to endorse upon the Certificate of Deposit an Order to the County Bank to repay to the Promoters of the Tramway Works, or the Tramway Company, the Sum deposited therein by them, and all such Sums as shall have become payable by way of Interest thereon, and such Order so endorsed shall be a sufficient Warrant to the County Bank for making a Repayment pursuant thereto.

Repayment
of Deposit
during Pro-
gress of the
Work on
Security
being given.

XXXIV. Provided always, That if a Tramway Company shall, previous to the Expiration of the Period limited by the Presentment for the Completion of their Tramway, prove to the Satisfaction of the said Commissioners of Public Works that they have paid up One Half of the Amount of the Capital authorized to be raised, and that they have expended for the Purposes of the Tramway a Sum equal in Amount to such One Half of the said Capital, and shall lodge in the County Bank a Bond in double the Amount of the said Deposit, with One or more sufficient Surety or Sureties, to be approved by the said Commissioners, conditioned for Payment to the Treasurer of such County of such Principal Sum in case the Works belonging to the said Tramway are not made and completed in accordance with the stated Presentment authorizing the same, or in case on the final Abandonment of the Tramway the Roads and Lands be found to have sustained Injury, or to require further Expenditure to restore the same to the State in which they were before the Tramway Works were commenced, then and on the Lodgment with such County Bank of such Bond duly perfected it shall be lawful for the said Commissioners of Public Works, and they are hereby authorized, to endorse upon the Certificate of Deposit an Order to the County Bank to repay to the Tramway Company the Sum deposited therein by them, with

with any Interest due thereon, and such Order so endorsed shall be a sufficient Warrant to the County Bank for making such Repayment pursuant thereto; and such Bond so lodged with the County Bank as aforesaid, in lieu of such Sum deposited, shall be subjected to the same Conditions, and shall be dealt with in the same Way, as the Sum so originally deposited in the said County Bank for which the said Bond shall have been substituted.

XXXV. Whenever, by reason of any Repairs to any Street or Road, or of any Tramway, or from any Cause whatsoever, it shall become necessary to close or remove any Portion of a Tramway, it shall be lawful for the Tramway Company to lay down a temporary Tramway in the Stead of the Part so closed or removed, and to maintain and use such temporary Tramway until the Part of the Tramway so closed or removed shall be reinstated and fit for Traffic, making Compensation for the same.

XXXVI. When any Tramway shall be used as the Means of connecting any Two Railways or any Railway with a Canal, or Harbour, or Market Town, all such Openings in the Ledges and Flanges of such Railways and other Connexion and Communication as may be necessary or convenient for effecting such Connexion and Communication, and the Carriages to be run thereon, shall be made under the Direction and Superintendence of the principal Engineer for the Time being of such Railway; and in case of any Difference arising as to the Mode of effecting such Communication, the same shall be determined by an Arbitrator to be appointed by the Commissioners of Public Works on the Application of the Tramway Company, and if any such Arbitrator die, or refuse, or become incapable to act, by another Arbitrator in his Place, to be appointed in like Manner: Provided always, that nothing herein contained shall enable the Tramway Company to take or enter upon any Lands belonging to such Railways, or to alter, vary, or interfere with the same, or any of the Works thereof, further or otherwise than is necessary for the convenient Junction and Intercommunication between such Railway and Tramway respectively: Provided also, that no Connexion between a Tramway and a Railway shall be made at any Place on a Railway where the Traffic thereon is carried on a single Line of Rails, unless with the Consent of the Railway Company.

XXXVII. Nothing in this Act contained shall extend to charge or make liable any Tramway Company further or in any other Case than where, according to the Laws of this Realm, Stage Coach Proprietors and Common Carriers would be liable, or shall extend in any Degree to deprive the Company of any Protection or Privilege which

Power to use Land during temporary Diversion of Lines of Tramway.

Communication with Railways.

Tramway Company not to be liable to any greater Extent than Common Carriers.

Common Carriers or Stage Coach Proprietors may be entitled to; but on the contrary, the Company shall at all Times be entitled to the Benefit of every such Protection and Privilege.

Penalty on
Persons
penalising
Fares on
Tramway
Company.

XXXVIII. If any Person shall travel or attempt to travel in any Carriage using the Tramway (whether such Carriage belong to the Company or to any other Persons) without paying his Fare when demanded, and with Intent to avoid Payment, every such Person shall for every such Offence forfeit a Sum not exceeding Forty Shillings. 5

Penalty for
bringing
dangerous
Goods on
Tramway.

XXXIX. No Person shall be entitled to carry or to require a Tramway Company to carry upon the Tramway any Aquafortis, Oil of Vitriol, Gunpowder, Lucifer Matches, or any diseased Cattle or other Article which in the Judgment of the Company or its Officer may be of a dangerous Nature; and if any Person shall carry or send by the Tramway any such Article without distinctly marking its Nature on the Outside of the Package containing the same, or otherwise giving Notice to the Company at the Time the same shall be left for Carriage, he shall forfeit to the Company a Sum not exceeding Twenty Pounds for every such Offence; and it shall be lawful for the Company to refuse to take any Parcel which they may suspect to contain Articles of a dangerous Nature, or the Company may require the same to be opened to ascertain the Fact. 15 20

Penalty for
obstructing
Carriages.

XL. Every Person who (when any Carriage lawfully using the Tramway under the Sanction of the Tramway Company shall be approaching) shall by any Means wilfully or wantonly stop, impede, or obstruct the Passage of such Carriage along the Tramway, and shall upon being requested by the Driver or Conductor of such Carriage, or any Servant or Officer of the Company, to remove such Impediment or Obstruction, refuse or wilfully neglect or omit so to do, shall be liable to a Penalty for every such Offence of not exceeding Forty Shillings. 25 30

Wilful Ob-
struction.

XLI. If any Person shall wilfully throw or place any Stones, Gravel, Timber, or other Materials in or upon any Tramway, or shall by any Means create any Obstruction to the free and safe Use of the Tramway with Intent that any Person shall be injured thereby, every such Person, being convicted thereof before One or more Justices of the Peace at Petty Sessions, shall forfeit and pay such Sum, not exceeding the Sum of Five Pounds, as such Justices may think proper; and if such Penalty together with Costs, if awarded, (which Costs such Justice is hereby authorized to award,) shall not be paid either immediately after the Conviction or within such Time as the Justice shall at the Time of Conviction appoint, the said Justice may commit 35 40

commit the Offender to the Common Gaol or House of Convection, there to be imprisoned only or to be imprisoned and kept to Hard Labour for any Term not exceeding Two Calendar Months, unless such Sum and Costs (if awarded) be sooner paid; and it shall be lawful for such Justice to direct that all Obstructions complained of shall be removed, and to include in the Costs to be awarded the Expenses of removing such Obstructions.

XLII. Any Person who shall wilfully and maliciously cut, break down, raise, destroy, or damage any Tramway, or any of the Lincs, ^{ways.} Rails, or Works of any Tramway, or any Part thereof, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to Punishment by Fine or Imprisonment, or both, and with or without Hard Labour, as to the Court shall seem fit.

XLIII. For the Conveyances of Passengers, Produce, Goods, Minerals, and Merchandise upon the Tramway, the Company may make, demand, and take such Tolls and Charges as shall be specially set forth in the Presentment made and fitted, or in the Contract approved as aforesaid, not exceeding the Sums specified in the Schedule to this Act annexed. ^{Tolls may be taken.}

XLIV. The following Provisions and Regulations shall be applicable to the fixing of the maximum Tolls; (that is to say.) ^{Provisions and Regulations applicable to the fixing of the maximum Tolls.}

For Passengers, Animals, or Things conveyed on the Tramway for a less Distance than Four Miles, the Company may demand Tolls as for Four Miles:

For a Fraction of a Mile beyond Four Miles or beyond any greater Number of Miles, the Company may demand Tolls on Merchandise for such Fraction in proportion to the Number of Quarters of a Mile contained therein; and if there be a Fraction of a Quarter of a Mile, such Fraction shall be deemed a Quarter of a Mile; and in respect of Passengers, every Fraction of a Mile beyond an integral Number of Miles shall be deemed a Mile:

For a Fraction of a Ton, the Company may demand Toll according to the Number of Quarters of a Ton in the Fraction; and if there be a Fraction of a Ton, the Fraction shall be deemed a Quarter of a Ton:

With respect to all Things, except Stone and Timber, the Weight shall be determined according to the usual Avoirdupois Weight:

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With

With respect to Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Teak, Beech, or Ash, and Fifty Cubic Feet of any other Timber, shall be deemed One Ton Weight, and so in proportion for any smaller Quantity.

5

*Regulating
Use of Tram-
way.*

XLV. Upon Payment of the Tolls in that Behalf determined, all Companies and Persons shall, on due Notice to the Tramway Company, be entitled to the Use of the Tramway, with Carriages drawn by Animal Power; subject, nevertheless, to the Rules and Byelaws from Time to Time in force regulating the same; provided 10 that no Carriage shall pass along or upon and be used on the Tramway, unless the same and the Wheels thereof shall be of the Construction and in the Conditions by the said Rules and Regulations specified, and shall have been previously certified by the Chief Engineer of the Tramway to be adapted to run on the Tramway 15 without Injury to the same, and to be drawn by such Animal Power as shall for that Purpose be approved by him.

*List of Tolls
to be ex-
hibited.*

XLVI. A List of the Tolls authorized to be taken, and which shall for the Time being be required by the Tramway Company, shall be published, by such List being printed upon One Toll Board 20 or more in distinct Black Letters upon a White Ground, or White Letters upon a Black Ground; or by the same being printed in legible Characters on Paper affixed to a Board, which Board shall be exhibited in some conspicuous Place in the Chief Station of the Tramway Company. 25

*Tolls to be
paid as ap-
pointed by
Tramway
Company.*

XLVII. The Tolls shall be paid to such Persons, and at such Places, and in such Manner, and under such Regulations, as the Tramway Company shall by Notice annexed to the List of Tolls appoint, and if any Person shall fail to pay on Demand the Tolls due in respect of any Carriage, it shall be lawful for the Company to remove the same 30 Carriage from the Tramway, or if the Carriage be not upon the Tramway it shall be lawful for the Company to prevent such Carriage from being placed thereon, until the Tolls in respect thereof shall be paid.

*Owners
Names, &c.,
to be ex-
hibited on
Carriages.*

XLVIII. It shall be lawful for the Tramway Company to refuse to 35 allow any Carriage to be brought upon the Tramway or to remove from the Tramway any Carriage which shall not have the Names and Places of Abode of the Owners of such Carriage, and the Number of Passengers such Carriage shall be entitled to carry, or the Number of Tons Weight of Goods which the Carriage shall be constructed 40 and fitted to convey, painted in legible Characters on the Outside of such

such Carriage, on some conspicuous Part thereof, so as to be always open to public View.

- XLIX. When the Terminus of a Tramway shall be upon a Pier, Jetty, or Landing Place, it shall be lawful for the Tramway Company, with the Consent in Writing of the Owners or Lessors of such Pier, Jetty, or Landing Place, to provide and erect such Cranes and Weighing Machines thereon as to them shall appear necessary for loading, unloading, measuring, and weighing the Merchandise, Minerals, Produce, and other Goods landed at or delivered from such Pier, Jetty, or Landing Place; and subject to the Rules and Regulations of the Tramway Company in that Behalf in force, any Person shall be entitled to make Use of the said Cranes and Weighing Machines, and the proper Weights belonging to the same, paying therefor the Rates and Charges following; that is to say, for the Use of Crane and Labour on Goods not weighing above Five Tons, the Sum of Eightpence for each and every Ton, and so in proportion for a less Quantity than a Ton; all Packages weighing less than Five Hundredweight to be charged as Five Hundredweight, which Rates are to include the Labour of the Company's Servants working the said Cranes.
- L. Every Tramway Company, and every Contractor for any Work to be executed by Grand Jury Presentment or Contract, shall have Power and Authority to dig for, raise, and carry away in or out of any Lands, not being a Deer Park, Bleach Green, Orchard, walled Garden, Haggard, or Yard, or planted Walk, Lawn, or Avenue to a Mansion House, any Gravel, Stones, Sand, or other Materials, whether the same be found in the same or any adjoining County, which may be wanted for the building, rebuilding, enlarging, or repairing any Bridge, Arch, Gullet, Pipe, or Wall, or for the making, repairing, or preserving any Road or Footpath; and such Company or Contractor is hereby further empowered to make Drains in order to carry off Water which might injure any Bridge, Gullet, Arch, Pipe, Wall, or Road in or through any Lands, not being a Deer Park, Bleach Green, Orchard, walled Garden, Haggard, or Yard, or planted Walk, Lawn, or Avenue to a Mansion House, and shall make such Satisfaction for the Damage done thereby, and Payment for any such Materials as aforesaid, as shall be assessed by Three substantial Householdors, which Householdors shall view the Ground immediately previous to and immediately after such Damages shall be committed, One of such Householdors to be named by the Owner or Occupier of the Land, and another by the Company or Contractor, and the Third by any neighbouring Justice of the Peace; and in case any Owner or Occupier, Company or Contractor, shall refuse or, after Four Days Notice in Writing from any Party interested therein or in such Works,
- [111.] D neglect

Power to erect Cranes and Weighing Machines.

Tramway Company may raise Materials for certain Purposes.

may make Drains.

neglect to name a Householder on his Part, then One shall be named for him by such Justice, and such Three Householdors shall be sworn by such Justice of the Peace (previous to the Damage being committed) to be Appraisers of such Damages and Value of Materials, and to make a true Estimate thereof; provided nevertheless, that it shall not be lawful for any such Contractor or Company to enter any Lands for any such Purpose against the Will of the Occupiers thereof, without the previous Order of a Justice of the Peace, which Order any such Justice is hereby authorized and required to grant, on its being proved to his Satisfaction that the Gravel, Stones, or other Materials sought cannot be conveniently procured elsewhere, nor such Drain otherwise sufficiently made or cleansed.

Materials not to be taken from Side of Roads, &c.

L.I. It shall not be lawful for any such Company or Contractor to dig, raise, and carry away any Gravel, Stones, Sand, or other Materials from the Side of any public Road, or from any Beach or Sea-shore, whereby a public Road or Bulwark, or Defence to any Building, or any Land adjoining any Road, may be injured; and any Person who shall be convicted thereof, on the Oath of One or more credible Witnesses, before any Justice of the Peace shall for every such Offence forfeit and pay a Sum not exceeding Five Shillings for every Cartload of such Gravel, Stones, Sand, or other Materials so dug, raised, or carried away, to be levied by Warrant of Distress under the Hand and Seal of such Justice off the Goods and Chattels of such Offender.

Tramway not exempt from General Acts.

L.II. Nothing herein contained shall be deemed to exempt any Tramway made under the Provisions of this Act from the Provisions of any Act relating to Railways, or to the better or more impartial Audit of Accounts of Railway Companies, now in force, or which may hereafter pass.

Conveyance of Troops or Police Force.

L.III. Whenever it shall be necessary to move any of the Officers or Men of Her Majesty's Forces of the Line, Ordnance Corps, Marines, Militia, or of the Constabulary or Police Force, by any Tramway, the Tramway Company shall and they are hereby required to permit such Forces respectively, with their Baggage, Stores, Arms, Ammunition, and other Necessaries and Things, to be conveyed at the usual Hours of starting, at such Prices, or upon such Conditions as may from Time to Time be contracted for between Her Majesty's Principal Secretary of State for the War Department or the Inspector General of Constabulary in Ireland, or either of them, and such Tramway Company, for the Conveyance of such Forces, on the Production of a Route or Order for their Conveyance signed by the proper Authorities.

L.IV. With

LIV. With respect to any Damages, Costs, or Expenses hereby directed to be paid, or any Penalties or Forfeitures imposed under the Authority of this Act, and the Method of ascertaining or enforcing which is not hereby expressly provided for, all and singular the Provisions for the Recovery of Damages and Penalties contained in and enacted by the Petty Sessions (Ireland) Act, 1851, shall apply to and be available for the Purposes of this Act as though such Provisions had been expressly inserted herein.

SCHEDULE of the maximum Tolls and Charges to which
this Act refers.

PASSENGERS.

The maximum Rates of Charge to be made by the Company for the Conveyance of Passengers upon the Tramway, including the Tolls for the Use of the Tramway and of Carriages, and for Motive Power, and every other Expense incidental to such Conveyance, shall not exceed the following Sums:

For every Passenger conveyed in a First-class Carriage, the Sum of Twopence per Mile:

For every Passenger conveyed in a Carriage of inferior Class, the Sum of One Penny Halfpenny per Mile:

Every Passenger travelling upon the Tramway may take with him his ordinary Luggage, not exceeding One hundred Pounds in weight for First-class Passengers, and Sixty Pounds in Weight for Passengers of inferior Class, without any Charge being made for the Carriage thereof.

GOODS.

In respect of the Tonnage of all Articles conveyed thereon, or upon any Part thereof, and included within the following Classes:

Class 1.

For Dung, and all Sorts of Manure, Chalk, and all undressed Materials, for the Repair of Roads or Highways:

For all Coals, Coke, Calm, Ironstone, and Iron Ore:

For all Charcoal, Limestone, Stones for Building, Pitching and Paving Bricks, Tiles, Slates, Clay, and Sand:

And for all Iron, Lead, Tin, and Tin Plates (except Nails, Utensils, or other Articles of Merchandise) not exceeding for the Use of the Tramway One Penny per Ton per Mile; and, if conveyed in Carriages provided by the Company, an additional Sum per Ton per Mile not exceeding One Eighth of a Penny; and, if drawn or propelled by Power provided by the Company, a further Sum per Ton per Mile not exceeding Three Eighths of a Penny.

Class

Class 2.

For all other Goods, Wares, Merchandise, Articles, Matters, or Things (except Carriages herein-after otherwise provided for), not exceeding for the Use of the Tramway Twopence per Ton per Mile; and, if conveyed in Carriages provided by the Company, a further Sum per Ton per Mile not exceeding One Halfpenny; and, if drawn or propelled by Power provided by the Company, a further Sum per Ton per Mile not exceeding One Halfpenny.

Class 3.

And for every Carriage of whatever Description (not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton), not exceeding for the Use of the Tramway Sixpence per Ton per Mile; and if any such Carriage be conveyed on a Truck or Platform provided by the Company, an additional Sum per Mile not exceeding Twopence; and if drawn or propelled by Power provided by the Company, a further Sum per Mile not exceeding Twopence; and the Sum of Twopence per Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton above One Ton which any such Carriage may weigh.

ANIMALS.

In respect of Animals conveyed in Carriages upon the Tramway, as follows:

Class 4.

For every Horse, Mule, Ass, or other Beast of Draught or Burden, Ox, Cow, Bull, or Head of Neat Cattle, conveyed in or upon any such Carriage, not exceeding for the Use of the Tramway Threepence per Mile; and, if conveyed in or upon any Carriage provided by the Company, an additional Sum per Mile not exceeding One Penny; and, if such Carriage be drawn or propelled by Power provided by the Company, an additional Sum per Mile not exceeding Twopence.

Class 5.

For every Calf, Pig, Sheep, Lamb, or other small Animal, conveyed in or upon any such Carriage, not exceeding for the Use of the Tramway One Penny per Mile; and, if conveyed in any Carriage provided by the Company, an additional Sum per Mile not exceeding One Farthing; and, if such

[111.]

D 3

Carriage

Carriage be drawn or propelled by Power provided by the Company, an additional Sum per Mile not exceeding Twopence.

SMALL PARCELS.

With respect to small Parcels and single Articles of great Weight, notwithstanding the Weight of Tolls limited by this Act, the Company may demand the Tolls following; to wit,

For the Carriage of small Parcels on the Tramway or any Part thereof, as follows:

For any Parcel not exceeding Seven Pounds in Weight, Sixpence:

For any Parcel exceeding Seven Pounds in Weight, but not exceeding Fourteen Pounds in Weight, Ninepence:

For any Parcel exceeding Fourteen Pounds in Weight, but not exceeding Twenty-eight Pounds in Weight, One Shilling:

For any Parcel exceeding Twenty-eight Pounds in Weight, but not exceeding Fifty-six Pounds in Weight, One Shilling and Sixpence:

And for Parcels exceeding Fifty-six Pounds in Weight, but not exceeding Five hundred Pounds in Weight, the Company may demand any reasonable Sum which they think fit:

Provided, that Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages.

For the Carriage of any One Boiler, Cylinder, or any One Piece of Machinery or single Piece of Timber or Stone, or other single Article, the Weight of which, including the Carriage, shall exceed Three Tons, the Company may demand such Sum as they think fit.

The maximum Rate of Charge to be made by the Company for the Conveyance of Animals, Articles, Matters or Things respectively included in the Classes before mentioned, including the Tolls for the Use of the Tramway, and of Carriages, and for Motive Power, and every other Expense incidental to such Conveyance (except the loading and unloading of Goods when such Service is performed by the Company), shall not exceed the Amounts following, (to wit,)

For the Matters mentioned in Class 1., not exceeding One Penny Halfpenny per Ton per Mile:

For the Matters mentioned in Class 2., not exceeding Threepence per Ton per Mile:

For

For any Carriage mentioned in Class 3., not weighing more than One Ton, not exceeding Tenpence per Mile, and, if weighing more than One Ton, not exceeding Twopence per Mile for every Quarter of a Ton or fractional Part of a Quarter of a Ton additional :

For everything mentioned in Class 4., not exceeding Sixpence per Mile :

For everything mentioned in Class 5., not exceeding Threepence Farthing per Mile.

Tramways (Ireland).

(Bill introduced 1885)

A

B I L L

[AS AMENDED IN COMMITTEE]

To facilitate Internal Communication in
Ireland by means of Tramroads or
Tramways.

*(Proposed and brought in by
Sir John Parnell, Colonel O'Donnell, and
Colonel Parnell.)*

Ordered, by The House of Commons, to be Printed
4 August 1885.

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Under A. 20.